

**THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA**

STATE OF ALABAMA ex rel., STEVE	)	
MARSHALL, ATTORNEY GENERAL	)	
and the ALABAMA DEPARTMENT of	)	
ENVIRONMENTAL MANAGEMENT,	)	
	)	
Plaintiffs,	)	Case No. CV-2023-900857.00
	)	
v.	)	
	)	
CITY OF TUSCALOOSA, ALABAMA,	)	
	)	
Defendant.	)	

**MOTION TO INTERVENE BY CONSERVATION GROUPS**

Black Warrior Riverkeeper (“Riverkeeper”) and Friends of Hurricane Creek (“FOHC”) (collectively “Conservation Groups”), move to intervene in the above-styled action, pursuant to Ala. R. Civ. P. 24(a)(1) and Ala. Code §§ 22-22A-5(18)(b). In support thereof, Conservation Groups state as follows:

1. This lawsuit relates to grievous and pervasive water pollution caused by the Hilliard N. Fletcher Wastewater Resource Reclamation Facility (“Facility”) and sanitary sewer overflows (“SSOs”) from its sewage collection infrastructure.
2. Since September 2018, the City of Tuscaloosa (“City”) has reported violating its Clean Water Act permit over 1000 times and leaking raw sewage throughout Tuscaloosa over 360 times. Often these SSOs occur in public spaces and ultimately reach Tuscaloosa’s creeks and rivers where citizens swim and fish.
3. On July 28, 2023, Conservation Groups issued a 60-day notice letter to the City, stating their intention to initiate a citizen's suit under the federal Clean Water Act if the violations were not remedied within 60 days. *See* Ex. 1. The notice letter sets out, in detail, that the City violated its water discharge permit, otherwise known as its National Pollutant Discharge

Elimination System ("NPDES") permit, more than 1,300 times since September 2017.

Additionally, Conservation Groups requested that the City meet with the Groups to avoid unnecessary litigation and resolve these important compliance issues.

4. Prompted by Conservation Group's notice letter, the Plaintiffs, the State of Alabama through the Attorney General, and the Alabama Department of Environmental Management ("ADEM"), filed this enforcement action on September 22, 2023.

5. Conservation Groups seek to intervene in this case to ensure that the interests of their members are protected, that all violations they detected will be prosecuted, and to ensure that appropriate remedies are imposed which will stop the ongoing, serious water pollution.

6. Ala. Code §§ 22-22A-5(18)(b) and (c), and 22-22A-5(19), authorize the state Attorney General to bring a civil action, and to seek civil penalties or injunctive relief, for violations of NPDES permits (like the one issued to the City) for unpermitted discharges of pollutants into waters of the state.

7. Ala. Code §§ 22-22A-4(n) designates ADEM as the state agency responsible for enforcement of water pollution regulations under the Clean Water Act. The Attorney General and ADEM brought this suit under the above-referenced statutes.

8. Ala. Code §§ 22-22A-5(18)(b) and 22-22A-5(19) confer the right to intervene as a matter of right in an enforcement action of this type “on any person having an interest which is or may be adversely affected” by the action. *See also Black Warrior Riverkeeper, Inc. v. East Walker Cnty. Sewer Auth.*, 979 So.2d 69 (Ala. Civ. App. 2007) (finding the Riverkeeper had a right to intervene when ADEM brought a case against a sewer authority for violating its NPDES permit pursuant to the provisions of Rule 24 (a)(1) and based upon the language of Ala. Code § 22-22A-5(18)(b)).

9. The Alabama Rules of Civil Procedure provide that, upon timely application, any person shall be permitted to intervene in an action “when a statute confers an unconditional right to intervene.” Ala. R. Civ. P. 24(a)(1)

10. Ala. Code § 22-22A-5(18)(b) provides a right to intervene to Conservation Groups as they are “person[s] having an interest which is or may be adversely affected [by this civil action].” *See also Black Warrior Riverkeeper*, 979 So.2d at 71 (“Because Riverkeeper is a ‘person’ with ‘an interest which is or may be adversely affected’ by the outcome of that action within the scope of Ala. Code § 22-22A-5(18)(b)”). Conservation Groups and their members are adversely affected by the unlawful discharges from the Hilliard N. Fletcher Facility and its sewage collection infrastructure and will also be adversely affected by an inadequate civil action resulting in inadequate remedies related to these illegal discharges.

11. Proposed Intervenor Plaintiff, Black Warrior Riverkeeper, is a nonprofit organization organized under the laws of the State of Alabama that seeks to protect and restore the Black Warrior River and its tributaries through education, advocacy, and pollution prevention. Proposed Intervenor Plaintiff Friends of Hurricane Creek is a 501(c)(3) organization dedicated to the overall health and well-being of Hurricane Creek and all its inhabitants that live in the watershed. Conservation Groups both actively support effective enforcement and implementation of environmental laws, including the Clean Water Act and the Alabama Water Pollution Control Act, on behalf of and for the benefit of their members. Conservation Groups have a substantial interest in stopping the Hilliard N. Fletcher Facility’s and its sewage collection infrastructure’s illegal discharges into their watersheds which affect the recreational and aesthetic values enjoyed by its members. Conservation Groups also have a substantial interest in protecting the public health of those who use the river.

12. For example, Black Warrior Riverkeeper and Hurricane Creekkeeper member Randy McCredy owns a house on Hurricane Creek. He used to frequently swim in the creek; however, now because of the Sanitary Sewer Overflows and the pollution from the plant, he no longer can swim. Additionally, Mr. McCredy, the former Director of the University of Alabama Museum of Natural History and adjunct instructor at the University, used to lead student trips on the creek, but no longer does so because of the pollution caused by the City of Tuscaloosa.

13. Black Warrior Riverkeeper member, Kenya Goodson, lives in West End, Tuscaloosa. She worked as a Public Health Environmentalist for the Alabama Department of Public Health ensuring that people's septic systems were legal. She often smells sewage on her walks by the Riverwalk. She lives in a neighborhood heavily impacted by the Sanitary Sewer Overflows, and does not want sewage overflowing near her home, church, and shopping areas.

14. Finally, this motion is timely filed. "The determination of timeliness is a matter committed to the sound discretion of the trial court." *Randolph Cnty. v. Thompson*, 502 So.2d 357, 364 (Ala. 1987). Additionally, "courts should be reluctant to dismiss [motions for intervention of as a right] as untimely" *Id.* Conservation Groups are filing this motion a week after the State's complaint was filed, and prior to the City filing any responsive pleading. Thus, the granting of this motion will not prejudice the parties or delay these proceedings in any way.

15. Conservation Groups have a statutory right to intervene. The Court must allow Conservation Groups time to conduct discovery as necessary, participate fully in the prosecution of claims relating to the water pollution violations, and craft the appropriate remedies and penalties to adequately address those violations. In short, Conservation Groups are necessary parties to ensure that discharges and other violations cease.

## Conclusion

16. In accordance with Ala. R. Civ. P. 24(a)(1), Conservation Groups have attached a proposed Complaint in Intervention.

17. Based on the foregoing, the Riverkeeper respectfully requests the Court to grant this motion and allow Conservation Groups to intervene as a matter of right under Ala. R. Civ. P. 24(a)(1).

Respectfully submitted,

s/Sarah Stokes  
Sarah Stokes (STO083)  
Ryan Anderson (AND138)  
Attorneys for Intervenors  
Southern Environmental Law Center  
2829 Second Ave. S., Ste. 282  
Birmingham, AL 35233  
tel: (205) 745-3060  
sstokes@selcal.org  
randerson@selcal.org

Eva L. Dillard (DIL017)  
Attorney for Intervenors  
Black Warrior Riverkeeper, Inc.  
712 37th Street South  
Birmingham, AL 35222-3206  
(205) 458-0095 Office  
(205) 458-0094 Facsimile  
edillard@blackwarriorriver.org

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing with the Clerk of Court using the AlaFile system which will send notification of such filing to the following:

Lindsay D. Barton  
Robert D. Tambling  
Office of the Attorney General  
501 Washington Avenue  
Montgomery, Alabama 36130  
Telephone: (334) 242-7300  
Email: Lindsay.Barton@AlabamaAG.gov  
Email: Robert.Tambling@AlabamaAG.gov

Carrie T. Blanton  
Alabama Department of Environmental Management  
Office of General Counsel  
P.O. Box 301463  
Montgomery, Alabama 36130-1463  
Telephone: (334) 271-7855  
Email: Carrie.Blanton@adem.alabama.gov

Done this the 2<sup>nd</sup> day of October, 2023.

s/ Sarah M. Stokes \_\_\_\_\_  
Sarah M. Stokes (STO083)  
One of the Attorneys for Intervenors

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**CONSERVATION GROUPS’ COMPLAINT IN INTERVENTION**

Black Warrior Riverkeeper and Friends of Hurricane Creek, two Alabama nonprofit organizations dedicated to protecting local water quality, file this as their Complaint in Intervention.

1. This lawsuit relates to the extreme environmental compliance issues with the City of Tuscaloosa’s Hilliard N. Fletcher Wastewater Resource Reclamation Facility (“Hilliard WRRF”) and accompanying sewage system. The City of Tuscaloosa (“the City” or “Permittee”) has continuously violated its National Pollution Elimination System (“NPDES”) Permit by discharging untreated sewage into streams, rivers, and the streets of Tuscaloosa and by discharging pollutants in violation of its permit. The Alabama Water Pollution Control Act prohibits the discharge of pollutants by any person except in compliance with the terms of an NPDES permit issued by the Alabama Department of Environmental Management (“ADEM”). Ala. Code § 22-22-9(i)(3).

2. On July 28, 2023, Black Warrior Riverkeeper and Friends of Hurricane Creek (“Conservation Groups”) sent a statutorily-required letter notifying the City of their intent to file suit under the Clean Water Act based on the violations specified therein. Conservation Groups

sent this letter to Mayor Walt Maddox, Steven Shaw, Chief Operator of the Hilliard N. Fletcher WRRF, and Dustin Grammer, Operations Manager of the Hilliard N. Fletcher WRRF. *See Ex. 1.* In addition to notifying the City of their intent to file suit, Conservation Groups asked the City to meet with Conservation Groups to resolve the compliance issues noted in the letter to avoid litigation. To date, the City has not responded to that request for a meeting.

3. Prompted by this notice letter, ADEM, under the relation of the Attorney General, filed this suit on September 22, 2023.

4. For decades, the City has allowed its sanitary sewer system to fall into disrepair. Cracked and broken sewers, leaking manholes, uncleared blockages from grease and other materials, pump station failures, inadequate maintenance, and other issues cause the discharge of untreated sewage into nearby streams, streets, and even residents' homes and backyards. These overflows have led to approximately 42 million gallons of sewage spilling into the streets, backyards, and streams of Tuscaloosa since 2018.

5. The majority of these SSOs flowed into beloved streams where citizens recreate such as Hurricane Creek, Cypress Creek, Cottondale Creek, and the Black Warrior River. One example, Hurricane Creek Park, is a popular swimming hole and recreation area for the people of Tuscaloosa. Approximately 2 million gallons of raw sewage has been spilled in Cottondale Creek (just upstream from Hurricane Creek), Hurricane Creek, and Little Hurricane Creek since 2018.

6. Since 2018, the City has reported a continuous pattern of violations including 360 illegal sanitary sewer overflows ("SSOs").

7. In mapping the locations of SSOs, a disproportionate amount of SSOs occur in predominately Black communities, specifically in West Tuscaloosa. *See Ex. 1 at 25.*



8. The City operates approximately 566 miles of collection system.

9. A comparison of the City of Tuscaloosa's SSO data to that of other municipalities highlights the severity of the City's failures to properly maintain its sewer system. Based on a survey data of twenty-five different municipal agencies across the nation over the course of five years, the average municipality reports an average of 4.5 SSOs per 100 miles of sewer line per year.<sup>1</sup> The City of Tuscaloosa's average number of SSOs per 100 miles from 2018 to 2022 dwarfs this benchmark value at approximately 13 SSOs per 100 miles of sewer line.<sup>2</sup>

10. Measured against the twenty-five municipalities in the study, the City of Tuscaloosa would rank third worst for average number of SSOs per 100 miles of sewer line. When considering even the City's best performing year, 2021, at approximately 11.1 SSOs per 100 miles of sewer line, the City's average still far surpasses the benchmark value by more than double. Bleakest yet is the City's worst performing year of the sample, 2020, during which the City averaged approximately 18.2 SSOs per 100 miles of sewer line, a staggering fourfold of the benchmark average.

11. This action seeks declaratory and injunctive relief, and the assessment of penalties to address the City's violations of the Alabama Water Pollution Control Act.

### **The Parties**

12. The Plaintiffs, the State of Alabama ex rel., Steve Marshall, Attorney General, and ADEM filed this civil action on September 22, 2023, pursuant to Alabama statutes which authorize them to sue for civil penalties and/or injunctive relief for violations of the NPDES

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<sup>1</sup>See Black & Veatch LLP, American Society of Civil Engineers, U.S. Environmental Protection Agency Office of Wastewater Management, Optimization of Collection System Maintenance Frequencies and System Performance, EPA Cooperative Agreement #CX 824902-01-0, at 6-5 (1999), <https://www.epa.gov/sites/default/files/2015-10/documents/optimization-finalreport.pdf>.

<sup>2</sup> This was calculated by summing the SSOs in each year and dividing by 566 miles to find the number of SSOs per one mile. This value was multiplied by 100 to find the number of SSOs per 100 miles.

permit issued to Hilliard WRRF under the Alabama Water Pollution Control Act.

13. Conservation Groups intervene in this case to ensure that the vital interests of its members are protected and to ensure that all violations are prosecuted, and appropriate remedies and penalties are imposed which will stop Hilliard WRRF's ongoing and serious violations. Conservation Groups also want to ensure that the needs of Tuscaloosa's communities of color are prioritized, as it appears from available SSO reports that these communities are being disproportionately affected by the City's sanitary sewer overflows.

14. Plaintiff Black Warrior Riverkeeper ("Riverkeeper") is an Alabama nonprofit membership organization with over 6,000 members that seeks to protect and restore the Black Warrior River and its tributaries through education, advocacy, and pollution prevention.

15. Members of Riverkeeper use and value the Black Warrior River and its tributaries for recreation, including but not limited to paddling, boating, fishing, swimming, wildlife observation, nature and landscape observation and photography, and for aesthetic enjoyment. These members have been harmed by the City's actions. They are concerned about the significant concentrations of pollutants (including raw sewage) the City is putting in creeks and streams, and whether those pollutants make it unsafe to recreate in the Black Warrior River and its tributaries.

16. Plaintiff Friends of Hurricane Creek ("FOHC") is a 501(c)(3) organization dedicated to the overall health and well-being of Hurricane Creek and all of its inhabitants that live in the watershed. Founded in 1993, the mission of FOHC is to stop the flow of major pollution sources and to begin the process of recovery for Hurricane Creek.

17. Members of FOHC use and value Hurricane Creek, a tributary of the Black Warrior River, for recreation, including but not limited to paddling, boating, fishing, swimming,

wildlife observation, nature and landscape observation and photography, and for aesthetic enjoyment. These members have been harmed by the City's actions. They are concerned about the significant concentrations of pollutants (including raw sewage) that the City is putting in Hurricane Creek, and whether those pollutants make it unsafe to recreate in Hurricane Creek.

18. Defendant, the City of Tuscaloosa, operates the City's sewage system and the Hilliard WRRF located at 4010 Reese Phifer Avenue, Tuscaloosa, AL 35401. The Permittee discharges pollutants from the Facility located at 4010 Reese Phifer Avenue, in Tuscaloosa, Alabama, into the Black Warrior River (Warrior Lake) and Cribbs Mill Creek, waters of the State.

### **Jurisdiction and Venue**

19. The Court has jurisdiction and venue over this Complaint pursuant to Ala. Code § 22-22A-5(18)b. and § 22-22A-5(19), as amended.

20. Ala. Code §§ 22-22A-5(18)(b) and 22-22A-5(19) confer the right to intervene as a matter of right in an enforcement action of this type on "any person having an interest which is or may be adversely affected" by the action. *See also* Ala. R. Civ. P. 24(a)(1) (stating parties may intervene as a matter of right). Conservation Groups are considered intervenors as of right under this law. *See, e.g., Black Warrior Riverkeeper v. East Walker County Sewer Auth.*, 979 So.2d 69, 71 (Ala. Civ. App. 2007).

### **Legal Background**

21. The goal of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). The Administrator of the U.S. Environmental Protection Agency has authorized ADEM to administer various aspects of the Clean Water Act, including the issuance of NPDES permits. 33 U.S.C. § 1342(b).

22. The applicable Alabama law is the Alabama Water Pollution Control Act (“AWPCA”), codified at Ala. Code § 22-22-1 through 22-22-14. The AWPCA prohibits any person from discharging any pollutant into a water of the State without complying with the conditions in a duly issued NPDES permit. Ala. Code § 22-22-9(i)(3).

23. In determining the amount of the penalty, consideration must be given to the seriousness of the violation, including irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such persons; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person’s efforts to minimize or mitigate the effects of such violations upon the environment; such person’s history of previous violations; and the ability of such person or entity to pay such penalty. Ala. Code § 22-22A-5(18)(b).

24. Ala. Code § 22-22-A-5(19) provides that any person who violates Ala. Code § 22-22-9(i)(3) or any condition of any permit issued by ADEM shall be subject to a civil action to enjoin such threatened or continuing violation. These remedies are intended to operate as a deterrent against future violations.

### **Factual Background**

25. ADEM issued NPDES Permit Number AL0022713 to the City of Tuscaloosa for discharges associated with the Hilliard WRRF. The Permit was reissued April 29, 2016, effective June 1, 2016. The Permit was again reissued February 23, 2023, effective March 1, 2023. The Permit establishes limitations, terms, and conditions on the discharge of pollutants from point sources, described therein as Outfall 001, into the Black Warrior River (Warrior Lake); Outfall 002, into Cribbs Mill Creek; and Outfalls 003-005 for stormwater runoff to Cribbs Mill Creek. The Permit requires that the Permittee monitor its discharges and submit periodic Discharge

Monitoring Reports (“DMRs”) to ADEM describing the results of the monitoring.

26. Since 2018, the City has reported a continuous pattern of violations including over 360 illegal SSOs, i.e. raw sewage spills.

27. SSOs negatively impact both the environment and human health. SSOs can lead to violations of water quality standards, which in turn can result in swim and fish advisories. Additionally, SSOs can cause fish kills.

28. Impacts on human health can also be severe. The most serious impacts to human health occur when people make contact with water or ingest water or fish that have been contaminated by SSO discharges. Direct contact with land-based discharges is also a potential exposure pathway.

29. EPA estimates that 1.8 million to 3.5 million people fall ill each year from swimming in waters contaminated by SSOs.<sup>3</sup> Certain demographic groups face greater risk of exposure, including people who recreate in SSO-impacted waters, subsistence fishers, and wastewater workers. Pregnant women, children, individuals with compromised immune systems, and the elderly may be at greater risk than the general population for serious or fatal outcomes resulting from exposure to pollutants found in SSOs.

30. Additionally, since September 2018, the City has reported over 1000 permit violations in its DMRs where the City has failed to comply with the effluent limitations mandated by its permit. *See* Ex. 3. The City has exceeded its *E. coli*, Total Suspended Solids, Total Ammonia Nitrogen, Total Kjeldahl Nitrogen, and pH discharge limits on numerous occasions. At times, the City has reported *E. coli* readings that are over eight hundred times what the permit allows. *See* Ex. 3.

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<sup>3</sup> Natural Resources Defense Council, *Swimming in Sewage 2* (2004), <https://www.nrdc.org/sites/default/files/sewage.pdf>.

31. *E. coli* is a bacterium whose presence indicates disease causing pathogens in water. These pathogens can cause sickness and even death, especially in young children and the elderly.

32. Until the City prioritizes upgrading this failing and aging system, SSOs and DMR violations will become more common and will result in irreversible environmental contamination and human health impacts.

### **Count I**

#### **Unpermitted Discharges from Sanitary Sewer Overflows into Waters of the State**

33. Conservation Groups incorporate the preceding paragraphs by reference.

34. Ala. Code § 22-22-9(i)(3), as amended, requires that a permit be obtained prior to discharging any new or increased pollution into any water of the State.

35. Since September 2018, the City has reported 360 unpermitted SSOs, approximately 300 of which have discharged pollutants into waters of the United States and/or waters of the State. *See*, Ex. 2.

36. The City is in continuing violation of Ala. Code § 22-22-9(i)(3), because the underlying causes of these SSOs are unaddressed and will cause recurrent SSOs throughout the City's system. The ongoing violations will continue unless this Court orders and enjoins the City to cease any and all illegal discharges. These violations have caused and will continue to cause the Conservation Groups irreparable injury.

37. These violations are due to be abated by injunction and civil penalties should be assessed.

## **Count II**

### **Violations of NPDES Numeric Effluent Limitations**

38. Conservation Groups incorporate the preceding paragraphs by reference.

39. Permit Condition I.A of Tuscaloosa's NPDES permit AL0022713 requires that discharges be limited and monitored as specified in the Permit.

40. Since 2018, the City has reported over 1000 permit violations in its DMRs where the City has failed to comply with the limitations within their permit. *See*, Ex. 3.

41. The DMRs in the last five years indicate that discharges from Outfalls 0011 and 0021 did not comply with the permit limitations for pH, *E. coli*, Ammonia as Nitrogen ("NH<sub>3</sub>-N"), Dissolved Oxygen ("DO"), Total Kjeldahl Nitrogen ("TKN"), Total Suspended Solids ("TSS"), and TSS percent removal.

42. The City's violations of discharge limitations are ongoing and continuous. The ongoing violations will continue unless this Court orders and enjoins the City to cease any and all illegal discharges. These violations have caused and will continue to cause Conservation Groups irreparable injury.

43. These violations are due to be abated by injunction and civil penalties should be assessed.

## **Count III**

### **Reporting Violations**

44. Part I.C.1 of Tuscaloosa's NPDES permit AL0022713 requires that DMRs be submitted to ADEM no later than the 28<sup>th</sup> day of the month following the monitoring period.

45. The DMRs included in the State's Complaint, Doc. 2 at Attachment I were submitted late.

46. Permit Condition I.C.1 and I.C.2 require that DMRs and Noncompliance Forms (NCFs) be submitted as required by the Permit.

47. For some of the DMRs and NCFs submitted to ADEM, there were errors in reporting, such as discrepancies between the violations noted on the DMR and the NCF.

48. Permit Condition I.C.2.b of the NPDES permit requires the Permittee to submit a noncompliance notification report Form 421, to ADEM should a discharge not comply with any limitation of the Permit. NCFs are to be submitted to ADEM with the next discharge monitoring report after becoming aware of the noncompliance.

49. As of the date of this Complaint, the Permittee has not submitted the NCF for the violations reported on the June 2022 DMR. Additionally, some of the NCFs, as noted in Attachment II of the State's complaint, Doc. 2, were incomplete and did not include all the violations for the monitoring period.

50. The City's reporting violations are ongoing and continuous. The ongoing violations will continue unless this Court orders and enjoins the City to cease any and all illegal discharges. These violations have caused and will continue to cause Conservation Groups irreparable injury.

51. These violations are due to be abated by injunction and civil penalties should be assessed.

#### **Count IV**

#### **Monitoring**

52. Permit Condition I.C.1 Tuscaloosa's NPDES permit AL0022713 requires that the Permittee conduct monitoring as required by the permit.

53. The Permittee did not conduct the required weekly monitoring for Five Day



Carbonaceous Biochemical Oxygen Demand during the week of August 7-11, 2023.

54. This violation is due to be abated by injunction and civil penalties should be assessed.

### **Count V**

#### **Bypass Violations**

55. Permit Condition II.C.1 of Tuscaloosa's NPDES permit AL0022713 prohibits a bypass unless it meets conditions specified in Permit Condition II.C.I.b or II.C.1.c.

56. The Permittee reported bypasses on January 23, 2019, February 20, 2019, and February 21, 2019. The Permittee failed to establish that the conditions in Provision II.C.1.b. or .c were met to qualify for an exception to the general prohibition against bypassing contained in Permit Condition II.C.1.

57. These violations are due to be abated by injunction and civil penalties should be assessed.

### **Count VI**

#### **Calibration of Flow Measurement Devices**

58. Permit Condition I.B.7 of Tuscaloosa's NPDES permit AL0022713 requires that flow measurement devices be calibrated at least once every twelve months.

59. During ADEM's Compliance Evaluation Inspection on April 7, 2022, ADEM noted that the flow meter had not been calibrated in the last twelve months. On May 9, 2022, the Permittee submitted confirmation that the flowmeter was calibrated on April 9, 2022.

60. These violations are due to be abated by injunction and civil penalties should be assessed.

## **Count VII**

### **Failure to Maintain Bar Screens, Clarifiers, Sampler Tubing, and Sewer Lines**

61. Permit Condition II.A.1 Tuscaloosa's NPDES permit AL0022713 requires that the Permittee at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with conditions of the Permit.

62. During the Department's Compliance Evaluation Inspection on December 18, 2018, the Department noted that the bar screens were allowing excess solids into the plant.

63. During this same inspection, the Department noticed excess solids were accumulating on weir teeth of the clarifiers, and the secondary clarifier had excessive algae growth on the weir teeth.

64. Finally, during this inspection, the Defendant reported that algae in the sampler tubing was the cause for several 2018 and 2020 *E. coli* permit limitation violations.

65. Also, for several of the reported SSOs, the causes the Defendant reported were the result of debris/grease, sewer line defects, and equipment failure.

66. These violations are due to be abated by injunction and civil penalties should be assessed.

### **PRAYER FOR RELIEF**

WHEREFORE, Conservation Groups respectfully request that the Court:

- A. Take jurisdiction over this matter.
- B. Adjudge and declare that the City violated the above limitations, terms, and conditions of the Permits.
- C. Adjudge and declare that the City caused or allowed discharges of pollutants from

its wastewater treatment facilities into waters of the State in violation of the limitations set forth in NPDES Permit No. AL0022713.

D. Adjudge and declare that the City caused or allowed unpermitted discharges of pollutants from its wastewater treatment facilities.

E. Order the Permittee to take action to ensure that similar violations of the AWPCA and its Permits will not recur in the future.

F. Assess a civil penalty against the Permittee and in favor of Plaintiffs pursuant to Ala. Code §§ 22-22A-5(18)b. and c., as amended, for each and every violation of the Permits alleged in this Complaint.

G. Tax the costs of this action against the Defendant.

H. Order such other relief that the Court deems proper.

Respectfully submitted,

s/Sarah Stokes  
Sarah Stokes (STO083)  
Ryan Anderson (AND138)  
Attorneys for Intervenors  
Southern Environmental Law Center  
2829 Second Ave. S., Ste. 282  
Birmingham, AL 35233  
tel: (205) 745-3060  
sstokes@selcal.org  
randerson@selcal.org

Eva L. Dillard (DIL017)  
Attorney for Intervenors  
Black Warrior Riverkeeper, Inc.  
712 37th Street South  
Birmingham, AL 35222-3206  
(205) 458-0095 Office  
(205) 458-0094 Facsimile  
edillard@blackwarriorriver.org